

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

17-cv-3734

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

RAJINDERPAL LEHAL

DEFENDANTS

SPS TECHNOLOGIES, INC.

(b) County of Residence of First Listed Plaintiff Middlesex County
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Montgomery County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Michael J. Salmanson, Esq., Salmanson Goldshaw, PC, Two Penn Center, Suite 1230, 1500 JFK Blvd., Phila., PA 19102 215-640-0593

Attorneys (If Known)

Lori Halber, Esquire, 150 N. Radnor Chester Road, Suite C300, Radnor, PA 19087 610-230-2150

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input checked="" type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

29 U.S.C. Section 2601, et seq

Brief description of cause:

FMLA termination of employment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

150,000.00+

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes

☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

08/17/2017

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

AUG 17 2017

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 29 Back Drive, Edison, NJ 08817Address of Defendant: 301 Highland Avenue, Jenkintown, PA 19046Place of Accident, Incident or Transaction: 301 Highland Avenue, Jenkintown, PA 19046

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Michael J. Salmanson, Esquire, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☒ Relief other than monetary damages is sought.

DATE: August 17, 2017

Michael J. Salmanson
Attorney-at-Law

46707

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: August 17, 2017

Michael J. Salmanson
Attorney-at-Law

46707

Attorney I.D.#

CIV. 609 (6/08)

AUG 17 2017

JHS**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA****CASE MANAGEMENT TRACK DESIGNATION FORM**

RAJINDERPAL LEHAL

CIVIL ACTION

v.

SPS TECHNOLOGIES, INC.

NO.

17 3734

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

August 17, 2017
Date

Michael J. Salmanson
Attorney-at-law

Michael J. Salmanson
Attorney for Plaintiff

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(Civ. 660) 10/02

AUG 17 2017

Doc

JHS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Rajinderpal Lehal

Plaintiff,

v.

SPS Technologies, Inc.

Defendant.

CIVIL ACTION NO. _____

JURY TRIAL DEMANDED

17 3734

COMPLAINT

Plaintiff Rajinderpal Lehal avers as follows:

NATURE OF ACTION

1. Plaintiff hereby complains that Defendant SPS Technologies, Inc. ("SPS") unlawfully terminated his employment in violation of the Family and Medical Leave Act ("FMLA"), 29 U.S.C. § 2601, *et seq.*

JURISDICTION AND VENUE

2. This Court has jurisdiction pursuant to 28 U.S.C. Section 1331.
3. Venue is appropriate in this District under 28 U.S.C. Section 1391, as Defendant's relevant actions underlying the causes of action occurred within the District, as Defendant is located within the District.

FACTS

4. Prior to his termination Plaintiff had been employed by Defendant for 22 years, most recently as an operator in the Machine Department.
5. Plaintiff was scheduled to be out of work from January 26, 2017 to February 10, 2017 for a trip to India to visit family. Plaintiff's first day back at work following the trip was scheduled to be February 13, 2017.

6. However, while in India, Plaintiff fell ill with food poisoning and required hospitalization. As a result, Plaintiff was unable to return to the U.S. as planned and had to stay in India for an additional eleven days as he recovered from his illness.

7. Plaintiff contacted Defendant's Human Resources department on February 13, 2017, the day he was supposed to return to work, to let them know of his illness and that as a consequence of his illness he was unable to travel home and could not return to work as planned.

8. Defendant's Human Resources representative directed Plaintiff to contact their FMLA administrator to have his claim started and to have the time out covered by FMLA.

9. As such, Defendant was well aware of Plaintiff's need for FMLA covered leave.

10. Human Resources did *not* advise Plaintiff that the FMLA administrator needed to be contacted in a particular amount of time, nor did Human Resources specify any particular paperwork that was required of Plaintiff.

11. Plaintiff attempted to reach Defendant's FMLA administrator but was unsuccessful. Plaintiff was unable to make further attempts to contact the FMLA administrator due to the fact that he was hospitalized and in rural India.

12. On February 28, 2017, Defendant terminated Plaintiff's employment via letter, stating "voluntary job abandonment and failing to report to work or properly notify your supervisor" as the reason for his termination. Defendant relied upon its Attendance Policy, which states "[f]ailure to report to work for three consecutive days and properly notify your supervisor of the reason for absence is cause for immediate discharge."

13. However, Plaintiff had notified Human Resources as to the reason for his absence. On information and belief, Human Resources informed Plaintiff's immediate supervisor.

14. Defendant's reliance on the Attendance Policy as the reason for Plaintiff's termination is blatantly pretextual. The Policy clearly states that failure to report to work for *three days* is cause for immediate discharge; at the time that Plaintiff was terminated he had failed to report for work for fourteen days. Defendant cannot explain why, if it had genuinely relied on the Attendance Policy, it did not terminate Plaintiff after three days of absence, per the policy. As such, it is evident that the Attendance Policy was not the true basis for Plaintiff's termination. Rather, Defendant terminated Plaintiff because of his need for FMLA leave.

15. Plaintiff remained under the care of a physician until his return to the U.S. on March 1, 2017.

16. Upon his return, Plaintiff contacted Human Resources to let them know he had additional documentation from his doctor regarding his absence, but Human Resources refused to accept it.

17. By letter from his counsel dated March 21, 2017, Plaintiff provided additional medical documentation verifying Plaintiff's eligibility for FMLA leave. Nevertheless, Defendant refused to reinstate Plaintiff.

COUNT I – FMLA

18. Plaintiff hereby incorporates by reference each of the preceding paragraphs as though set forth fully herein.

19. Defendant was an "employer" within the meaning of the FMLA at the time it terminated Plaintiff.

20. Defendant was aware that Plaintiff needed FMLA leave because it directed him to contact its FMLA administrator.

21. Plaintiff's invocation of FMLA leave was a motivating factor in Defendant's termination of Plaintiff's employment.

22. Defendant's violation of the FMLA was willful.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands:

- (1) back pay for the period commencing with the date of Plaintiff's termination and continuing through the date of judgment;
- (2) employment or, in the alternative, front pay for an appropriate period;
- (3) liquidated damages in an amount equal to back pay;
- (6) reasonable attorneys' fees;
- (7) reimbursement of costs incurred in this action;
- (8) pre- and post-judgment of interest; and
- (8) any and all other relief that this Court finds to be appropriate and just.

JURY TRIAL DEMAND

Plaintiff demands a jury trial as to all claims and matters triable by jury.



Michael J. Salmanson, ID. 46707
Scott B. Goldshaw, ID. 85492
SALMANSON GOLDSHAW, P.C.
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Philadelphia, PA 19102
215-640-0593
215-640-0596 (fax)

Dated: August 17, 2017